## REMARKS

The Advisory Action mailed on September 22, 2005, has been received and its contents carefully considered.

Claims 1-10 are pending in this application. Claims 2 and 9 are canceled herein without prejudice to or waiver of the subject matter recited therein. Claims 1, 3-5, 7-8 and 10 are amended, and new claim 11 is added herein. Claims 1 and 8 remain the independent claims in this application.

In the Advisory Action, the Examiner has maintained the final rejection of claims 1-10 under 35 U.S.C. §103(a) as being obvious over Lee (U.S. Patent No. 6,246,883). The claims are amended herein to overcome the rejection.

Regarding independent claim 1, the Examiner asserts in the Advisory Action that claim 1 is broad and recites nothing other than a communication network system providing data communication between fixed terminals carried by a mobile terminal. The Examiner argues specifically that in Lee, one fixed terminal reads on the homes (103), the second fixed terminal reads on the gas utility company ("not shown"), and the mobile terminal reads on the mobile base station (102), which receives the data (reads on collecting meter reading data) from the first fixed terminal (homes 103) and transmits the data to the second fixed terminal (gas utility company).

Regarding claim 2, and specifically regarding "the fixed terminal having a time information storage means," the Examiner asserts in the Advisory Action that the control station (604) shown in Figure 6B, may be considered a fixed terminal. The Examiner argues it is logical to store information regarding the transmission of the meter reading and specify the schedule of transmission at fixed terminal such as a customer house or utility company in order to have the data automatically transmitted at the specified time and date, for example, at the end of the month. The Examiner further argues that logically, the purpose of having a control station that stores schedule information is to allow the customer to specify the most convenient time to perform the meter reading. The Examiner gives the example of a meter reader using a the single telephone line available to the customer's house, and the desirability of scheduling the meter reader to perform its functions when the customer is not using the telephone.

The Applicants respectfully disagree. The exemplary embodiment cited and

discussed by the Examiner in the final Office Action (column 3, lines 27-35) involves the automation of tasks that require periodically gathering or disseminating information in a particular geographic location. The example given is a mobile base station used to obtain meter readings, e.g., gas meter readings, and other data from users along its appointed route. While, Lee indicates that the control station generally serves as an information depot (column 7, line 12), there is no teaching or suggestion that either the control station or the users terminals include "a time information storage means to store time information." Even if the meter reading is done according to a schedule, as the Examiner asserts, common experience suggests that the schedule for meter reading is established wholly for the convenience of the utility and that the customer has no say in such matters. The Examiner's example of possible interference with a customer's telephone service is not on point because the customer would not likely notice or be inconvenienced by the transmission of a short data message necessary to download the customer's gas meter reading, regardless of when the transmission took place. Hence, contrary to the Examiner's position, it is respectfully submitted there is no "logical" need in Lee that "each of the fixed terminals includes a time information storage means to store time information specifying a time required for transferring said data signal to each of the other fixed communication terminals by way in each of the mobile communication terminals" (emphasis added), as recited in claim 2.

Further regarding claim 2, the Examiner asserts in the final Office Action that the claimed feature of "a time information storage means to store time information specifying a time required for transferring said data signal to each of the other fixed communication terminals by way of each of the mobile communication terminals, timetable storage means to store a timetable of each of the mobile communication terminals and selecting means to select one of the mobile communication terminals to which said data signal is to be transferred based upon said time information and said timetable" is inherent or at least obvious. The Examiner's argument is that transmitting and/or receiving information from/to a certain mobile communication station can be performed within a certain schedule, giving the example that meter reading is normally done according to schedules. However, the purpose, in the present invention, of having the time information storage means, the timetable storage means and the selecting means is to enable any of the fixed terminals to

determine the time when a data communication sent from that fixed terminal will be received by another fixed terminal when sent via one of several possible mobile terminals, and select the most advantageous route. Although it may be true that meter reading, for example, is normally done according to a schedule, the time of arrival of the collected data at the utility is of no particular concern to the homeowner, so that the functionality of the fixed terminals recited in claim 2 is, contrary to the Examiner's contention, neither "inherent" nor "obvious".

In this Amendment, original claim 2 is canceled and its limitations incorporated into claim 1. For at least the foregoing reasons, is respectfully submitted that claim 1, as amended, as well as claims 3-7 and 10 patentably distinguishes over the applied prior art.

Further, it is submitted that the dependent claims recite additional features that independently distinguish over the applied prior art. For example, claim 3 recites "the mobile communication terminal selected by said selecting means is the one of the mobile communication terminals determined to reach a desired fixed communication terminal in the shortest time." In the final Office Action, the Examiner points to Lee as teaching the mobile station moving within a certain proximity from the user terminal (see column 4, lines 49-54). The Examiner argues that efficiency in reaching the appropriate destination/home in the shortest time is required and obvious.

Although Lee does make a passing reference to scheduling more than one mobile terminal so as to provide adequate time to fully download a large data file to a particular user terminal (see column 6 lines 61-64), Lee totally fails to teach or suggest providing the user terminal with the capability of selecting one of the multiple mobile terminals with which to communicate. Moreover, as already noted above in connection with claim 2, there is nothing in Lee of that would "require" or make "obvious" the claimed capability of the fixed terminal to select "the one of the mobile communication terminals determined to reach a desired fixed communication terminal in the shortest time."

Claim 4 recites "said predetermined route is a circulating route, the plurality of mobile communication terminals includes a first mobile communication terminal and a second communication terminal each of which circulates in a mutually opposite direction, said time information includes a first time information corresponding to said first mobile communication terminal, and second time information corresponding to said second mobile

communication terminal." The Examiner argues in the final Office Action that having two mobile terminals traveling in opposite directions and each one of them having time information associated with it is obvious and does not rise to the level patentability. The Applicants respectfully disagree. As in the case of claims 2 and 3, the Examiner's obviousness arguments are unsupported by Lee, and ignore the significant role that the first time information and the second time information play in selecting between the first mobile communication terminal in the second mobile communication terminal so that the data signal is received at its destination in the shortest time.

Claims 5 and 6 are rejected by the Examiner for essentially the same reasons as discussed above with respect to claims 2 and 4. The Examiner asserts that numerous references disclose the teaching of multiple routes where data and information will be traveling in a telecommunication network, and that obviously, each route and associated destination must be available to receive this information. The Examiner argues that having a fixed station, as a stop point that receives information from a mobile terminal at each route is obvious and well known in the art. Examiner also argues that the claimed "common point" reads on the control station 406 in Lee (see column 7 lines 8-67).

It is respectfully submitted that the Examiner's obviousness arguments are overly broad and not directed to important limitations recited in claims 5 and 6. For example, the Examiner's arguments do not address the limitation "said at least one mobile communication terminal including a first terminal information storage means to store a first terminal information specifying a plurality of fixed communication terminals fixed along its respective route and a transfer means to transfer said data signal to said specified fixed communication terminal in the event said data signal is destined to a fixed communication terminal not specified in said first terminal information" in claim 5, and the limitation "said specified fixed communication terminal includes a second terminal information storage means to store second terminal information specifying the fixed communication terminals fixed along each of said first route and said second route." Lee is not helpful to the Examiner's position because it fails entirely to teach or suggest a system having a second route sharing a common point with the first route, or any mechanism that allows a mobile terminal on one route to communicate with user terminals on the second route through the common point. The Examiner's assertion that the recited "common point" reads on control

station 406 in Lee is also misplaced. As clearly described in Lee, the control station serves as an information depot to provide the mobile base station with information and/or to receive information from the mobile base station (column 7, lines 11-14). There is no teaching in Lee that the control station functions as a transfer point for data communication between a mobile terminal on one route and a mobile terminal on another route.

In general, the Applicants believe that the Examiner's rejection of the dependent claims is based on application of the prior art in a manner inconsistent with its teachings, and on assertions of obviousness and inherency that are largely unsupported.

Claims 8-10 are rejected in the final Office Action for the same reasons as claims 1. The Examiner also points to Lee column 4, lines 49-61, as disclosing the limitations of claims 9 and 10.

Claim 9 recites an invention in which the plurality of second communications terminals of claim 8, includes a plurality of fixed communication terminals fixed along the predetermined route and a plurality of user communication terminals each proximate to a respective one of the fixed communication terminals. This configuration of elements is shown by way of example in Figure 1 of the application, where terminals L, M, N and P are fixed terminals along the predetermined route Rt1, and terminals A, B, C and D are user communication terminals each proximate to a respective one of the fixed communication terminals. Claim 9 recites the further limitation "data communication between the user communication terminals being made by way of the respective ones of the fixed communication terminals to which the user communication terminals are proximate." In other words, the fixed communications terminals serve as relay points, in addition to the mobile communication terminal, for data communication between the user communication terminals.

What the text referenced by the Examiner discloses is that the mobile base station moves within a certain proximity of the user terminals such that the mobile base station's broadcast area includes the terminal. This proximate allows the mobile wireless communication means to cooperate with the terminal wireless communication means to establish a wireless communication link. Information is transmitted between the mobile base station and the terminal via the wireless communication link so established. In other words, Lee discloses that the mobile base station 102 communicates directly with all of the

various user terminals 103 in its broadcast area. It is respectfully submitted that Lee neither teaches nor suggests a distinctly separate group of fixed communication terminals along the route that serve as relay points.

In this Amendment, original claim 9 is canceled and its limitations incorporated into claim 8. For at least the foregoing reasons, is respectfully submitted that claim 8, as amended, patentably distinguishes over the applied prior art.

New claim 11 is added herein to provide patent protection for additional features of the invention disclosed in the application.

It is respectfully submitted that this Amendment places the application in condition for allowance. Notice of allowance, with claims 1, 3-8, 10 and 11, is earnestly solicited.

Should the Examiner believe that an interview would help to expedite prosecution of this application, the Examiner is encouraged to call the undersigned attorney to arrange such an interview.

Respectfully submitted,

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Date

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